

ASSEMBLY BILL

No. 638

Introduced by Assembly Member Thompson

February 23, 1999

An act to amend Section 19853 of the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 638, as introduced, Thompson. State employees: holidays.

Existing law prescribes September 9th, known as "Admission Day," as a holiday in this state, but a conflicting memorandum of understanding reached pursuant to the provisions of law governing higher education employer-employee relations controls over this provision. Existing law requires public offices of the state, state institutions, and the University of California to be closed on Admission Day. Existing law also includes the second Monday in October, but does not include Admission Day, as one of the holidays to which state employees and certain nonelected officers are entitled, with pay, except that a memorandum of understanding reached pursuant to the Ralph C. Dills Act that is in conflict with this provision would control.

This bill would provide that state employees and certain nonelected officers are entitled to the holiday known as "Admission Day" on September 9, 2000, as a holiday with pay, in lieu of the second Monday in October for the year 2000. This bill would specify that because September 9, 2000, falls on a Saturday, state employees and certain nonelected officers

shall be entitled to the preceding Friday as a holiday, in lieu of the day observed.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19853 of the Government Code
2 is amended to read:

3 19853. (a) Except as provided in *this subdivision or in*
4 *subdivision (c)*, all employees shall be entitled to the
5 following holidays: January 1, the third Monday in
6 January, February 12, the third Monday in February, the
7 last Monday in May, July 4, the first Monday in
8 September, the second Monday in October, November
9 11, the day after Thanksgiving, December 25, the day
10 chosen by an employee pursuant to Section 19854, and
11 every day appointed by the Governor of this state for a
12 public fast, thanksgiving, or holiday. *All employees shall*
13 *be entitled to the holiday known as "Admission Day" on*
14 *September 9, 2000, in lieu of the second Monday in*
15 *October for the year 2000.*

16 If a day listed in this subdivision falls on a Sunday, the
17 following Monday shall be deemed to be the holiday in
18 lieu of the day observed. If November 11th falls upon a
19 Saturday, the preceding Friday shall be deemed to be the
20 holiday in lieu of the day observed. *Because September*
21 *9, 2000, falls on a Saturday, the preceding Friday shall be*
22 *deemed to be the holiday in lieu of the day observed.* Any
23 employee who may be required to work on any of the
24 holidays included in this subdivision, and who does work
25 on any of these holidays, shall be entitled to be paid
26 compensation or given compensating time off for that
27 work in accordance with their classification's assigned
28 workweek group. For the purpose of computing the
29 number of hours worked, time when an employee is
30 excused from work because of holidays, sick leave,
31 vacation, annual leave, or compensating time off, shall be
32 considered as time worked by the employee.



(b) If the provisions of subdivision (a) are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

(c) Any employee, who is either excluded from the definition of state employee in subdivision (c) of Section 3513, or is a nonelected officer or employee of the executive branch of government who is not a member of the civil service, shall be entitled to the following holidays, with pay, in addition to any official state holiday appointed by the Governor:

(1) January 1, the third Monday in January, February 12, the third Monday in February, the last Monday in May, July 4, the first Monday in September, the second Monday in October, November 11, Thanksgiving Day, the day after Thanksgiving, December 25, and any personal holiday chosen pursuant to Section 19854. *Any employee to which this subdivision applies shall be entitled to the holiday known as "Admission Day" on September 9, 2000, in lieu of the second Monday in October for the year 2000.* The department head or designee may require an employee to provide five working days' advance notice before a personal holiday is taken, and may deny use subject to operational needs.

(2) When November 11 falls on a Saturday, employees shall be entitled to the preceding Friday as a holiday with pay. *Because September 9, 2000, falls on a Saturday, employees shall be entitled to the preceding Friday as a holiday with pay.*

(3) When a holiday, other than a personal holiday or November 11, *or September 9, 2000*, falls on a Saturday, an employee shall, regardless of whether he or she works on the holiday, only accrue an additional eight hours of personal holiday credit per fiscal year for the holiday. The holiday credit shall be accrued on the actual date of the holiday and shall be used within the same fiscal year.

1 (4) When a holiday other than a personal holiday falls
2 on Sunday, employees shall be entitled to the following
3 Monday as a holiday with pay.

4 (5) Employees who are required to work on a holiday
5 shall be entitled to pay or compensating time off for this
6 work in accordance with their classification's assigned
7 workweek group.

8 (6) Less than full-time employees shall receive
9 holidays in accordance with Department of Personnel
10 Administration rules.

11 (d) (1) Any employee, as defined in subdivision (c) of
12 Section 3513, may elect to receive eight hours of holiday
13 credit for March 31, known as "Cesar Chavez Day," or for
14 the fourth Friday in September, known as "Native
15 American Day," in lieu of receiving eight hours of
16 personal holiday credit in accordance with Section 19854.

17 (2) It is not the intent of the Legislature, by the
18 amendments to this subdivision that add this paragraph,
19 to increase the personal holiday credit that an employee
20 receives pursuant to Section 19854.

